



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,366	04/23/2001	Marie-Christine Etienne	REF/ETIENNE/698CIP	2300

7590 04/30/2004

Richard E. Fichter
BACON & THOMAS, PLLC
Fourth Floor
625 Slaters Lane
Alexandria, VA 22314

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20040430

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The brief includes a statement that claims under appeal do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(7). MPEP § 1206. Examiner notes the provided statement is silent with regard to the rejection under which the claims fail to stand or fall together. Rejections under 35 USC 101, 35 USC 112, first and second paragraph and two rejections under 35 USC 103 have been lodged against the instant claims. Appellant fails to provide any guidance with regard to those factors distinguishing each claim, or group of claims, one from another for each rejection. Absent guidance, and rebuttal arguments supporting the separate patentability of each claim over the rejections of record, the instant Appeal Brief is defective.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Russell Travers, J.D., Ph.D.
Primary Examiner
Art Unit: 1617